

**REMARKS/ARGUMENTS**

The Office Action of December 16, 2008 has been carefully reviewed and these remarks are responsive thereto. Claims 4, 6, 12, 13, 23-25, 30, and 31 have been amended, claims 1-3, 7-11, 14-22, and 26-29 have been canceled without prejudice or disclaimer, and new claims 32-42 have been added. Claims 4-6, 12, 13, 23-25, and 30-42 thus remain pending in this application. Reconsideration and allowance of the instant application are respectfully requested.

***Rejections Under 35 U.S.C. § 103***

Claims 1-31 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Pat. No. 6,694,352 hereinafter Omoigui, in view of U.S. Pat. App. Pub. No. 2002/0026496, hereinafter Boyer. Applicants respectfully traverse this rejection.

Independent claims 1, 14, and 20 have been canceled and all remaining amended and original claims 4-6, 12, 13, 23-25, 30 and 31 now ultimately depend on one of new independent claims 32 and 37. Thus, this rejection is moot.

***New Claims***

Claims 32-42 have been added. While claims 32-42 have not been rejected, Applicants provide the following remarks in the interest of expediting prosecution.

**New Independent Claims 32 and 37**

Independent claim 32, directed to a method, and independent claim 37, directed to computer readable media, both recite, *inter alia*,

“receiving a request from a user terminal specifying desired content available on a broadcast system;  
determining availability on the broadcast system of a program related to the desired content;  
determining availability on one or more other communication links of other multimedia data related to the desired content; and  
transmitting a notification of the availability of the program and the other multimedia data.”

Applicants respectfully assert that Omoigui and Boyer, either alone or in combination, do not contain at least these features recited in claims 32 and 37. Omoigui discloses only

“electronic presentations” (Omoigui, col. 2, ll. 30-43) and Boyer discloses only “television programs” (Boyer, par. 0006). Neither discloses, at least, “determining the availability … of a program …; determining the availability … of other multimedia data …; and transmitting a notification of the availability of the desired program and the other multimedia data” (emphasis added). Accordingly, Applicants believe new claims 32 and 37 are allowable.

**Dependent Claims**

Amended and original claims 4-6, 12, 13, 23-25, 30, and 31, and new claims 33-36 and 38-42 depend on one of new independent claims 32 and 37 and are allowable for all the reasons given above concerning their respective base claims, and further in view of their specific recitations.

Claims 6 and 25, for example, recite, “the transmitting occurs until an acknowledgment of the notification is received.” The Office Action asserts that Omoigui, col. 2, ll. 58-64, discloses a similar feature. Omoigui states in the cited portion, “[t]he user, once notified can opt to connect directly to the source of the electronic presentation so that they can receive a continuous feed of the presentation.” Omoigui says nothing related to the claim 6 and 25 feature that “transmitting occurs until an acknowledgment of the notification is received.” Accordingly, claims 6 and 25 are believed allowed over the art of record for this additional reason.

As further example, claims 33 and 38 recite, “wherein the notification comprises a message using an instant messaging protocol.” The Office Action asserts that Omoigui, col. 14, ll. 21-24, discloses an instant text notification module that provides an instant text notification message. However, the cited portion of Omoigui refers to a table displayed on a monitor that contains textual content contained in a broadcasted electronic presentation. Applicants respectfully assert that this is not a “notification of the availability of the program [comprising] a message using an instant messaging protocol” as recited in claims 33 and 38. Instead, the textual content of the broadcasted electronic presentation indicates the status of textual content already broadcast as part of the presentation (an event in the past). Further, the textual content of the broadcasted electronic presentation would contain no information indicating the “availability of the program” as recited in claims 33 and 38. Still further, Omoigui has no discussion of a

protocol particular to instant messages as recited in claims 33 and 38. Accordingly, claims 33 and 38 are allowable for this additional feature.

**CONCLUSION**

All issues having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or there are any questions, the Examiner is requested to contact the undersigned at (202) 824-3307.

Respectfully submitted,

**BANNER & WITCOFF, LTD.**

Dated this 16<sup>th</sup> day of April, 2009

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